

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF	)	
INFORMATION FILED WITH AT&T	)	
COMMUNICATIONS OF THE SOUTH CENTRAL	)	CASE NO. 93-352
STATES, INC. PROPOSED APPROVAL OF	)	
SPECIAL CONTRACT WITH PNC BANK	)	
CORPORATION	)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T"), filed September 17, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the terms and conditions of an agreement between AT&T and PNC Bank Corporation on the grounds that disclosure of the information is likely to cause AT&T competitive injury and it appearing to this Commission as follows:

AT&T seeks approval of a special contract with PNC Bank Corporation to provide a specified intrastate service at the rate specified in the contract. By this petition, AT&T seeks to protect as confidential the service to be provided and the price to be paid for the service.

The information sought to be protected is not known outside of AT&T and is not disseminated within AT&T except to those employees who have a business need to know and act upon the information. AT&T seeks to preserve and protect the confidentiality of the information through all appropriate means.

The exemptions provided by KRS 61.878(1) are not applicable to the service to be provided and the price to be paid for the service under the proposed contract with PNC Bank. That information is governed by the provisions of KRS 278.160, which requires utilities to file with this Commission schedules of their rates and conditions of service and to display those schedules for public inspection. The price to be charged under the contract and the service to be provided are now "rates and conditions of service" and are therefore subject to the same requirements. It is a well settled principle of statutory construction that a statutory provision relating to a particular subject takes precedence over a general provision relating to the same subject. This principle was recognized by the Kentucky Court in Land v. Newsom, Ky., 614 S.W. 2d 948, 949 (1981), when the Court stated:

One of the established rules of statutory construction is that when two statutes deal with the same subject matter, one in a broad, general way and the other specifically, the specific statute prevails.

The public disclosure requirement of KRS 278.160, being specifically applicable to utility rates and service conditions, takes precedence over the general exemption provisions of KRS 61.872(1). Thus, the service to be provided and the price to be paid for the service under the contract are not entitled to confidential protection.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

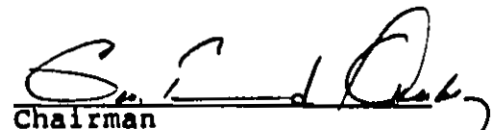
1. The petition to protect as confidential the service to be provided and the price to be paid for the service under the

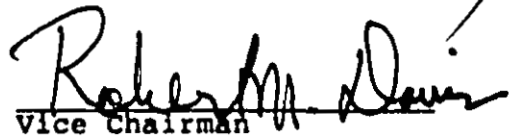
proposed contract between AT&T and PNC Bank be and is hereby denied.

2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for 20 days from the date of this Order, at the expiration of which it shall be placed in the public record without further Orders herein.

Done at Frankfort, Kentucky, this 12th day of November, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director